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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,585	06/03/2002	Yoichiro Sako		8333

7590 04/11/2005

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EXAMINER

HUBER, PAUL W

ART UNIT PAPER NUMBER

2653

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/018,585	Applicant(s) SAKO ET AL.	
	Examiner Paul Huber	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-53 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-20 and 48, drawn to a recording method or a recording medium.

Group II, claim(s) 21-29, drawn to a recording method.

Group III, claim(s) 30-33, drawn to a recording apparatus.

Group IV, claim(s) 34-44 and 49-53, drawn to a reproducing method.

Group V, claim(s) 45-47, drawn to a reproducing apparatus.

The inventions listed as Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

1) Group I does not require notifying whether or not the recording medium should be defined as a recording medium for recording the two kinds of audio data when the recording medium is a medium in which no recording has yet been performed as required by Group II, and Group II does not require that the second recording area of the recording medium is recorded with audio data which have a file format having the same file contents as audio data recorded in the first recording area as required by Group I;

2) Group I does not require a selecting unit for deciding whether the input audio data are supplied to an encoder or to a data generating unit based on a designated recording format as required by Group III, and Group III does not require that the second recording area of the recording medium is recorded with audio data which have a file format having the same file contents as audio data recorded in the first recording area as required by Group I;

3) Group I does not require starting a process of reproducing the recording medium when an instruction of a reproducing start and a selecting instruction of a recording format or a track position are supplied when it is identified that the recording medium is a recording medium in which the two kinds of audio data are recorded as required by Group IV, and Group IV does not require that the second recording area of the recording medium is recorded with audio data which have a file format having the same file contents as audio data recorded in the first recording area as required by Group I;

4) Group I does not require a selecting unit for deciding whether or not data output from the decoder are supplied to the conversion unit based on information on a table of contents readout from the recording medium as required by Group V, and Group V does not require that the second recording area of the recording medium is recorded with audio data which have a file format having the same file contents as audio data recorded in the first recording area as required by Group I;

5) Group II does not require a selecting unit for deciding whether the input audio data are supplied to an encoder or to a data generating unit based on a designated recording format as required by Group III, and Group III does not require notifying whether or not the recording medium should be defined as a recording medium for recording the two kinds of audio data when the recording medium is a medium in which no recording has yet been performed as required by Group II;

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6) Group II does not require starting a process of reproducing the recording medium when an instruction of a reproducing start and a selecting instruction of a recording format or a track position are supplied when it is identified that the recording medium is a recording medium in which the two kinds of audio data are recorded as required by Group IV, and Group IV does not require notifying whether or not the recording medium should be defined as a recording medium for recording the two kinds of audio data when the recording medium is a medium in which no recording has yet been performed as required by Group II;

7) Group II does not require a selecting unit for deciding whether or not data output from the decoder are supplied to the conversion unit based on information on a table of contents readout from the recording medium as required by Group V, and Group V does not require notifying whether or not the recording medium should be defined as a recording medium for recording the two kinds of audio data when the recording medium is a medium in which no recording has yet been performed as required by Group II;

8) Group III does not require starting a process of reproducing the recording medium when an instruction of a reproducing start and a selecting instruction of a recording format or a track position are supplied when it is identified that the recording medium is a recording medium in which the two kinds of audio data are recorded as required by Group IV, and Group IV does not require a selecting unit for deciding whether the input audio data are supplied to an encoder or to a data generating unit based on a designated recording format as required by Group III;

9) Group III does not require a selecting unit for deciding whether or not data output from the decoder are supplied to the conversion unit based on information on a table of contents readout from the recording medium as required by Group V, and Group V does not require a selecting unit for deciding whether the input audio data are supplied to an encoder or to a data generating unit based on a designated recording format as required by Group III; and

10) Group IV does not require a selecting unit for deciding whether or not data output from the decoder are supplied to the conversion unit based on information on a table of contents readout from the recording medium as required by Group V, and Group IV does not require starting a process of reproducing the recording medium when an instruction of a reproducing start and a selecting instruction of a recording format or a track position are supplied when it is identified that the recording medium is a recording medium in which the two kinds of audio data are recorded as required by Group IV.

A telephone call was not made to the applicants' representative to request an oral election to the above restriction requirement due to the nature of the application, e.g., foreign applicants, and the need for the examiner to promptly act on the application.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Huber whose telephone number is 571-272-7588. The examiner can normally be reached on Compressed Schedule, every Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Huber
Primary Examiner
Art Unit 2653

pwh
April 8, 2005